

Docket No. F-8110

Ser. No. 10/783,447

### REMARKS

Claims 1-18 are now pending in this application. Claims 1-8 are rejected. New claims 9-18 are added. Claims 1, 4, and 6-8 are amended herein to clarify the invention

### CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-4 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Webb reference. Claims 5 and 6 are rejected as obvious over the Webb reference in view of Official Notice of common engineering knowledge under 35 U.S.C. §103(a). The applicant herein respectfully traverses these rejections.

The present application is a divisional of the parent application which is now U.S. patent number 6,722,786. The claims now pending are directed to alternative embodiments each of which includes a steel material which is deformed. In the parent application claims were distinguished from the Webb reference by further defining the material composition of the steel material. The rejected claims in this application are now amended to define the deformable material as was done in the parent application. In particular, in each of the now pending independent claim, the steel material of the deformable material portion, claims 9-18, or the caulked portion, claims 1-8, is now recited as having "a percentage of carbon content adjusted to be in a range of about 0.50% to about 1.10% by weight and a

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percentage of sulfur content adjusted to be about 0.015% by weight or less." This material composition is not taught by the Webb reference.

In view of the above, it is respectfully submitted that claims 1-18 particularly describe and distinctly claim elements not disclosed in the cited reference nor that are rendered obvious by the cited reference. Therefore, reconsideration of the rejections of claims 1-8 and allowance of all claims now pending are respectfully requested.

#### **CLAIM REJECTIONS BASED ON OBVIOUSNESS DOUBLE PATENTING**

Claims 1-8 are rejected under the judicially created doctrine of the "obviousness" type double patenting rejection as unpatentable over claims 1-4 of U.S. Patent No. 6,722,786.

With regard to the judicially created doctrine of the "obviousness" type double patenting rejection, applicant submits that the parent patent to this division is not available as prior art against claims 1-8 because the examiner required an election of species, and claims 1-8 of the present application are directed to non-elected species of the parent application. 35 U.S.C. 121; MPEP 706.03(k).

However, in light of new claims 9-18 which are broader than claims 1-8, and in order to facilitate prosecution, the assignee herein files, without prejudice, a terminal disclaimer in compliance with 37 CFR 1.321(b) pursuant to 37 CFR

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1.78(d) in order to overcome any such double patenting rejection which might arise.

#### **TERMINAL DISCLAIMER FEE**

A terminal disclaimer in compliance with 37 CFR 1.321(c) is herein filed. The fee of \$130.00 for the Terminal Disclaimer is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

#### **CLAIM FEES**

One independent claim in excess of three is added. The fee of \$200 for the claims is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

#### **REQUEST FOR EXTENSION OF TIME**

Applicant respectfully requests a three month extension of time for responding to the Office Action. The fee of \$1020 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

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If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form  
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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